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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 2714/1997**

SMT.GURPREET KAUL

.....Plaintiff

Through: Mr. Sanjiv Bahl, Mr. Eklavya Bahl,
Ms. Apoorva Bahl and Mr. Pawar
Agarwal, Advs.

versus

SMT.PHOOL MADAN

.....Defendant

Through: Mr. Karan Singh, Advs. (through VC)

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

27.08.2024

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I.A. 16493/2023 (under Order IX Rule 13 read with Section 151 to set aside the *ex parte* decree dated 07.02.2007 filed by defendant)

I.A. 16494/2023 (filed by defendant under Section 5 of the Indian Limitation Act for condonation of delay)

1. The learned counsel appearing on behalf of the defendant / applicant prays for an adjournment on the ground that the arguing counsel is not available.
2. However, the learned counsel for the plaintiff submits that the digital record which have been obtained by the plaintiff does not contain the record showing that the defendant was served in the suit before he was proceeded *ex parte*. He urges the Court that the records may be called from the Registry.
3. He submits that the record of the EX.P. 291/2007 be also summoned



which will indicate the position of service on the defendant / judgment debtors in execution as well.

4. According to the learned counsel, the service record is relevant for the purpose of deciding the present application filed by the defendant under Order IX Rule 13 CPC.

5. In view of the above, the Registry is directed to place on file the record of service of the defendant, as well as, judgment debtor, both in the present suit, as well as, in EX.P. 291/2007.

6. Re-notify on 22.11.2024.

VIKAS MAHAJAN, J

AUGUST 27, 2024
N.S. ASWAL